



Attorney Docket No.: SP03-135

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Xin Chen, et al.

Serial No: 10/676,290

Filing Date: 9/30/2003

Title: METHOD OF MAKING SPUN
OPTICAL FIBER WITH LOW PMD

Group Art Unit: 2883

Examiner: James P. Hughes

AFFIDAVIT

STATE OF NEW YORK:
COUNTY OF STEUBEN:

AFFIDAVIT DISQUALIFYING COMMONLY OWNED APPLICATION AS PRIOR ART

I, Joseph M. Homa (Reg. 40,023) being an attorney of record in the above-listed case, being duly sworn, depose and state the following:

1. Upon information and belief, co-pending application serial number 10/358,768, Publication Number 2003/0152348, now U.S. Patent No. 6,920,271, was invented by Xin Chen and Ming-Jun Li.
2. Upon information and belief, the present application serial number 10/676,290 was invented by Xin Chen, Ming-Jun Li, Jesse C. Meyer, and Oscar Palmer, and, therefore, 10/358,768, includes different inventive entities than 10/676,290.
3. Upon information and belief, Xin Chen, Ming-Jun Li, Jesse C. Meyer, and Oscar Palmer were each subject to a legal duty to assign their entire right, title, and interest in their inventions by way of individual employment agreements executed between themselves and Corning Incorporated (the assignee of each of the inventions).
4. Upon information and belief, Xin Chen, Ming-Jun Li, Jesse C. Meyer, and Oscar Palmer each did, in fact, execute legal assignments to transfer their entire right, title, and interest in their inventions to Corning Incorporated.
5. Upon information and belief, the subject matter of co-pending application serial number 10/358,768 and the claimed invention of the present application serial number 10/676,290 were:
 - (a) owned by the same person or subject to a legal obligation of assignment to the same person (namely Corning Incorporated); and
 - (b) owned by the same person or subject to a legal obligation of assignment to the same person (namely Corning Incorporated) at the time of the invention claimed in the present application serial number 10/676,290 was made.
6. Therefore, upon information and belief, it is asserted that co-pending application serial number 10/358,768 should be disqualified as prior art to the present application serial number 10/676,290 under 35 USC 102 and/or 103.

WHEREFORE, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, and any patent to which this declaration is directed.



Joseph M. Homa
Attorney for Assignee
Reg. 40,023

Sworn to before me this
15th day of September, 2005

Michele N. O'Dell Kefer
Notary Public

Kefer
MICHELE N. O'DELL
Notary Public, State of New York
Schuyler County No. 4712916
Term Expires *5/31/06*